

**REMARKS**

With respect to the prior rejection of the claims under 35 U.S.C. 103 as being unpatentable over the combination of U.S. Patent No.5,446,617 of Blocher and the CO-NECTIC publication reference, Applicant submits that the Claims are now allowable.

Applicant argues that the Board of Patent Appeals and Interferences was incorrect in stating that Blocher '617 shields from the magnetic component of electromagnetic fields. In fact, Blocher '617 only shields electromagnetic interference of surrounding devices, including for example computers and hand-held electronic devices, which is not the same attribute as shielding the magnetic component of electromagnetic fields. Rather the Applicant's device shields people, and of course other animals in the vicinity, from the physically harmful side effects of caused by the ballast of fluorescent lighting, such as fatigue, eyestrain, headaches and the like.

With respect to the previous rejection under 35 USC 103 based on obviousness, it is respectfully requested that the rejection of these claims under 35 U.S.C. 103 as being unpatentable over the combination of U.S. Patent No.5,446,617 of Blocher in view of the CO-NECTIC publication reference be now withdrawn. The combination of these references potentially produces a an enclosure to a ballast circuit that can shielded within an entire room as suggested by the Magnetic Shield Corp. Brochure which teaches shielding a

room or enclosure form outside disturbances to protect MRI magnets. Nothing in either references would suggest the use of the Co-Nectic or similar material to reduce or eliminates physical side effects on humans.

Applicant has amended the claims to limit the necessary thicknesses which optimize the shielding effect of the ballast case. The limitation of the thicknesses is advantages because it maintains a minimum attenuation of the magnetic component of the electromagnetic field. This minimized attenuation of the magnetic component eliminates, or reduces in very sensitive people, the negative physical effects of the ballast case, i.e. fatigue, dry eyes, blurred vision and the like.

Additionally, the previously submitted 132 Declaration of Myron Kahn must be reexamined. Declarant Myron Kahn is a recognizer leader in the lighting manufacturing field and the inventor of US Patent Nos. 3,772,128 and 4,796,160 for polarized lighting panels. He is clearly skilled in the art of fluorescent lighting. The Declarant's states that he has been well aware of the negative effects of fluorescent lighting through his years of personal exposure and first-hand knowledge in the field. Further, Declarant states that "no one ever mentioned to me the problems of electromagnetic fields from fluorescent lighting". However, in toto, Declarant clearly points out that the side effects of fluorescent lighting has been recognized and no one has devised or even suggested a possible solution to this problem. This point indicates that a pressing need exists that heretofore has not been solved. Mr. Kahn has attested to the fact that Applicant's subject

matter provides superior unexpected results in solving a long-felt need in the lighting industry, therefore Applicant's claims are not obvious.

**Conclusion:**

Based on the foregoing, Applicant argue that the combination of the ballast shield and the Co-Nectic and similar alloys is non-obviousness and solves a long standing problem associated with the pervasive use of fluorescent lighting that heretofore was unsolved despite the undisputed fact that the negative side effects are felt by many people exposed to the fluorescent lighting.


Applicant submits that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully submitted,

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